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PTOL-90A (Rev. 04/07)

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/020,048
Filing Date: December 14, 2001
Appellant(s): BIERBRAUER ET AL.

MAILED

FEB 0 5 2008

Technology Center 2100

Scott D. Paul
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/26/2007 appealing from the Office action mailed

8/24/2007.

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings

which will directly affect or be directly affected by or have a bearing on the Board's decision in

the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in

the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Objections

4.   Claims 1, 2, 5, 10, and 13, are objected to because of the use of the word 'physical' when it used with the phrase 'physical representation'. The claim language seems to be directed towards something a user of the document processing system could touch rather than something a user is placing in a repository. The meaning of the term physical when used with the phrase 'physical representation for the single document based on the obtained structural information, meta information and document content' could be read as a printed document because of the word physical. The Examiner is interpreting the claim language as something a user could visualize, such as the content found in indexed content. Appropriate correction is required.

6.   **Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert et al., USPN 5,903,892 filed (4/30/1997).**

In reference to independent claim 1, Hoffert teaches:

As the crawler crawls the web, those pages, which contain media references, receive a higher priority for processing than those pages which do not reference media. Each HTML page is scanned for predetermined types of HTML tags (compare to "*obtaining structural information describing the structural elements of a sequential file of documents in which the single document is located*"). See column 3, lines 33-67 and column 4, lines 1-45. The reference fails to explicitly state 'sequential order', regarding the structural elements of a file. However,

the reference states priorities for selection of webpages which reference media. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the well known webpage selection techniques of Hoffert and utilized the priority methods for analyzing an ordered set of webpages which would provide a user with enhanced categorization of content.

Each HTML page is scanned for predetermined HTML tag types. The following tags are scanned for: lists, headings, header separators (compare to "*obtaining meta information describing the properties of the single document*"). See column 4, lines 31-45.

Often a web page, which references a media file, provides significant description of the media file as textual information on the web page. When indexing a media file, the present invention has recognized that it would be useful to utilize this textual information (compare to "*obtaining document content of the single document*"). See column 4, lines 31-67.

The described method for estimating motion content and brightness, contrast and color can be used together with the described algorithm for searching the worldwide Internet in order to index and intelligently tag digital multimedia content. A user could execute the query: find me all video from slow moving to fast, by Steven Spielberg, and the database engine would return a list of search results, ordered from slowest to fastest within the requested motion range (compare to "*creating a physical representation for the single document based on the obtained structural information, meta information and document content and transferring the created physical representation to the document repository*"). See column 8, lines 30-67.

The media indexing system as taught by Hoffert allows for searching of media files on a distributed network such as the internet and crawling the network, indexing media files, examining, analyzing the media file's content, and presenting summaries to users of the system.

In reference to dependent claim 2, Hoffert teaches:

The physical representation disclosed within the reference suggests a media index generated by storing information, which is in an index format. See column 7, lines 26-54. the reference fails to explicitly state the physical representation for the single document is a binary format, however, it would have been obvious to one of ordinary skill in the art at the time invention was made, to have utilized the different formats disclosed within the Hoffert reference and presented a representation in a binary format as the format was well-known at the time the invention was made and utilized in database content.

In reference to dependent claim 3, Hoffert teaches:

If there is a media URL then the media URL is located and stored. Relevant lexical information is selected for each URL. The URL is a proficient example of a document identifier and utilized in the indexing of documents. See column 4, lines 40-67.

In reference to dependent claim 4, Hoffert teaches:

In order to determine if a given video file contains low, medium or high amounts of motion, it is disclosed to derive a single valued scalar which represents the video data file to a reasonable degree of accuracy. The method described is appropriate for those video files which may be in a variety of different coding formats, and need t be analyzed in a uniform uncompressed format. See column 9, lines 35-56.

In reference to claims 5-9, limitations reflect similar language for moving a single document

between a document processing system and a document repository as claimed in 1-4. The claims

are rejected under similar rationale.

In reference to claims 10-17, the limitations reflect the system and computer program product

for moving a single document between a document processing system and a document repository

as claimed in 1-4. Therefore, the claims are rejected under similar rationale.

(10) Response to Argument

The appellant on page 5 of the appeal brief states the Examiner has failed to properly

identify, using the reference to Hoffert, the 'structural information' describing structural

elements of a sequential file of documents. The Examiner believes a description of 'structural

information' and 'structural elements' in relation to a sequential file of documents could be

found in the Hoffert reference when the reference discusses the retrieval of HTML documents

and the parsing of specific HTML documents for media content. HTML itself is made up of

structured information based upon the markup language contained within the document and the

structural elements would be the tags found within the structured information. The reference

provides a description of 'structural information' and 'structural elements' within columns 3 and

4 of the reference. Furthermore, the phrase 'sequential file of documents' is suggested by the

reference to Hoffert when it describes the process of the crawler retrieving media content web

pages that are stored within a database. The reference mentions that the crawler begins with a

seed of multimedia specific URL sites for its search. See column 3, lines 29-35. The sequential

file of documents, as presently claimed, is suggested based upon the utilization of a database and

the sequential nature of storing documents. If the system looks specifically for media file types

within a database then it suggests a sequential file of documents being selected by a repository

which one piece of content at a time to be analyzed by the crawler. The Examiner interpreted the

phrase 'sequential file of documents' broadly because the there is not language defining what is

meant by a sequential file of documents.

On page 6 of the appeal brief, appellant argues the limitation 'obtaining meta information

describing the properties of the single document'. More specifically, appellant states a heading

itself could be considered meta information however an HTML tag of a heading is not meta

information describing properties of a document. The Examiner interprets 'meta information' as a

type of information and believes the 'meta information' is suggested in the reference by the use of

HTML tags and the tags being scanned for headings suggest properties of a document. See page

4, lines 31-45. The broad nature of the interpretation by the Examiner lends itself to the broad

nature of the claim language. The Examiner believes the limitations of the claim are replete with

language that, when read broadly, could be interpreted multiple ways by the reference to Hoffert

reference.

On page 7 of the appeal brief, appellant states the physical representation of the single

document is based upon the obtained structured information, meta information, and document

content. The reference to Hoffert discloses a media URL found using the crawler contains

specific media content which is then stored. A physical representation of the specific document

stored is suggested by the media content itself which is scanned and located through the use of

the crawler. The media content found through the scanning of HTML pages is based on the

structural information, meta information, and document content (media content), as discussed in

the above section of the Examiner's Answer. The appellant strongly disagrees with the

Examiner's interpretation of a 'physical representation' for the single document. However, as

presently claimed, the language fails to preclude the Examiner from utilizing the reference to

Hoffert to provide media content URLs stored in a repository as a physical representation of a

document. The phrase 'physical representation' was objected to by the Examiner in the last

office action mailed 8/24/07 because the Examiner thought the phrase left the claim open to

multiple interpretations when read broadly within the scope of the invention. Thus, the broad

nature of the term when read as whole within the independent claim is suggested by the Hoffert

reference using media content retrieved and stored by the crawler.

Appellant states on page 8, regarding the rejections of claims 5-9 and 13-17, that the

reference to Hoffert fails to provide any teaching or suggestion of a folder structure and

documents. The arguments above detail the movement of documents between a document

processing system and a document repository. The reference provides a crawler which scans for

a robot exclusion protocol file. If the file is present, it indicates those directories which should

not be scanned for information. On a per directory basis, there is proposed to be stored a media

description file. The file contains a series of records of textual information for each media file

within the current directory. The structural information obtained through document scanning is

similarly retrieved through the scanning of directories. The use of directories within the reference

to Hoffert suggests a folder structure and a similar retrieval of media content through directories.

The Examiner recognizes that obviousness can only be established by combining or modifying

the teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d

1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 247, 21 USPQ2d 1941 (Fed. Cir. 1992).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Matthew Ludwig

Assistant Patent Examiner

January 31, 2008

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